

AMENDED IN ASSEMBLY AUGUST 21, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 20, 2006

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MARCH 31, 2005

## **SENATE BILL**

**No. 795**

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### **Introduced by Senator Romero**

February 22, 2005

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An act to amend Section 1753.3 of the Welfare and Institutions Code, relating to juvenile facilities.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 795, as amended, Romero. Juvenile facilities: parole violators.

Existing law authorizes the Chief Deputy Secretary of the Division of Juvenile Justice to enter into an agreement with a city, county, or city and county to permit the transfer of wards in the custody of the division to an appropriate facility of the city, county, or city and county if the official who has jurisdiction over the facility consents.

This bill would require the Chief Deputy Secretary of the Division of Juvenile Justice to conclude an agreement with one or more counties on or before ~~February~~ *July* 1, 2007, to provide services for ~~technical~~ parole violators, ~~as defined~~. The bill would require the agreement to contain specified provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1753.3 of the Welfare and Institutions Code is amended to read:

1753.3. (a) The Chief Deputy Secretary of the Division of Juvenile Justice may enter into an agreement with a city, county, or city and county, to permit transfer of wards, including parole violators, in the custody of the Division of Juvenile Justice to an appropriate facility of the city, county, or city and county, if the official having jurisdiction over the facility has consented. The agreement shall provide for contributions to the city, county, or city and county toward payment of costs incurred with reference to the transferred wards or parole violators.

(b) On or before ~~February~~ July 1, 2007, the Chief Deputy Secretary of the Division of Juvenile Justice shall conclude an agreement with one or more counties, which may include a city and county, to provide services for ~~technical~~ parole violators, including services in a custodial setting or facility operated by the county or city and county as an alternative to the recommitment of ~~technical~~ parole violators to an institution operated by the division. The agreement shall include all of the following provisions:

(1) A definition of the members of the ~~parole violator service class, by offense characteristics, and by county or region of residence while on parole~~, who are eligible for referral to the local ~~or program~~ facility *or program* in lieu of return to a state institution operated by the division.

(2) A requirement that all ~~technical~~ parole violators ~~in the defined violator service class~~ be referred to the contract facility or program for an initial ~~technical~~ parole violation, in lieu of direct recommitment to an institution operated by the division, unless the contract facility or program is unable to accept the referral or unless there are extraordinary and documented public safety reasons which, in the opinion of the chief deputy secretary, necessitate a direct return of the violator to an institution operated by the division.

(3) Criteria for the acceptance or rejection of the referral by the director of the local facility or program, including criteria for returning parolees who fail *out of the local facility or program* to an institution operated by the division.

1 (4) A description of the parole violator program to be provided  
2 by the county or city and county, including the basic services to  
3 be offered, the proposed length of confinement in any local  
4 facility or program, and the linkages to community reentry  
5 programs or services that may facilitate successful reentry upon  
6 release of the violator from a contract facility or program.

7 (5) Provisions for the coordination of state and local parole  
8 and probation personnel in the case management of parolees  
9 during their terms of custody in the contract facility or program.

10 (6) Terms of payment or contributions by the division toward  
11 the costs incurred by the local program or facility for the custody  
12 and care of ~~technical~~ parole violators.

13 ~~(e) For purposes of this section, a technical parole violator~~  
14 ~~means a parolee of the Division of Juvenile Justice who has been~~  
15 ~~found to have committed a violation of his or her conditions of~~  
16 ~~parole that does not constitute or will not be prosecuted as a new~~  
17 ~~criminal offense.~~

18 ~~(d)~~

19 (c) Wards transferred to local programs or facilities under an  
20 agreement described in this section are subject to the rules and  
21 regulations of the local program or facility, but remain under the  
22 legal custody of the Division of Juvenile Justice.